

# **AN INTERVIEW WITH CLAUDE DUKES:**

## **A CONTRIBUTION TO A SURVEY OF LIFE IN CARSON VALLEY, FROM FIRST SETTLEMENT THROUGH THE 1950S**

Interviewee: Claude Dukes

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### **Description**

Water and water rights have been major determinant factors in the development of Nevada. In Carson Valley, water rights have been indirectly a source of wealth and power as well as a cause of considerable friction among ranchers. Efforts to bring order to a potentially volatile situation resulted in a 1949 court decree placing the administration of water management in Carson Valley under a federally appointed water master.

Claude Dukes, who was born in 1914, was the son of Nevada's first water master. He began working out of his father's office during the Depression, became assistant water master in 1946, and served as water master for the Truckee and Carson Rivers from 1959 until his death in 1984. In this oral history, Mr. Dukes recalled the events leading up to and culminating in the 1949 decision in *United States v. Alpine Land and Reservoir Company*, the most important water rights case in Carson Valley history. He drew upon personal memory, familiarity with documents and information passed on from his father and colleagues to concisely describe the development of water rights theory in the valley over time. Mr. Dukes suggested that in the end neither statute nor questions of equity determined how rights would be codified: the 1949 court decree simply institutionalized customs that had evolved during almost a century of use.

Mr. Dukes gave some attention to the nature of the water master's job in general. Through an abbreviated account of his father's experience in the position combined with reflections on his own career, Mr. Dukes provided an informative description of an office that is widely known in Nevada, but little understood. Given the power of his office, it was unavoidable that some controversy should attach to Mr. Dukes; that so little did is a tribute both to his expertise and to a lifelong commitment to fairness.



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FROM FIRST SETTLEMENT THROUGH THE 1950S**

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An Oral History Conducted by R. T. King  
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University of Nevada Oral History Program

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University of Nevada Oral History Program  
Mail Stop 0324  
Reno, Nevada 89557  
unohp@unr.edu  
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Director: R.T. King

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## PREFACE TO THE DIGITAL EDITION

Established in 1964, the University of Nevada Oral History Program (UNOHP) explores the remembered past through rigorous oral history interviewing, creating a record for present and future researchers. The program's collection of primary source oral histories is an important body of information about significant events, people, places, and activities in twentieth and twenty-first century Nevada and the West.

The UNOHP wishes to make the information in its oral histories accessible to a broad range of patrons. To achieve this goal, its transcripts must speak with an intelligible voice. However, no type font contains symbols for physical gestures and vocal modulations which are integral parts of verbal communication. When human speech is represented in print, stripped of these signals, the result can be a morass of seemingly tangled syntax and incomplete sentences—totally verbatim transcripts sometimes verge on incoherence. Therefore, this transcript has been lightly edited.

While taking great pains not to alter meaning in any way, the editor may have removed false starts, redundancies, and the “uhs,” “ahs,” and other noises with which speech is often liberally sprinkled; compressed some passages which, in unaltered form, misrepresent the chronicler's meaning; and relocated some material to place information in its intended context. Laughter is represented with [laughter] at the end of a sentence in which it occurs, and ellipses are used to indicate that a statement has been interrupted or is incomplete...or that there is a pause for dramatic effect.

As with all of our oral histories, while we can vouch for the authenticity of the interviews in the UNOHP collection, we advise readers to keep in mind that these are remembered pasts, and we do not claim that the recollections are entirely free of error. We can state, however, that the transcripts accurately reflect the oral history recordings on which they were based. Accordingly, each transcript should be approached with the

same prudence that the intelligent reader exercises when consulting government records, newspaper accounts, diaries, and other sources of historical information. All statements made here constitute the remembrance or opinions of the individuals who were interviewed, and not the opinions of the UNOHP.

In order to standardize the design of all UNOHP transcripts for the online database, most have been reformatted, a process that was completed in 2012. This document may therefore differ in appearance and pagination from earlier printed versions. Rather than compile entirely new indexes for each volume, the UNOHP has made each transcript fully searchable electronically. If a previous version of this volume existed, its original index has been appended to this document for reference only. A link to the entire catalog can be found online at <http://oralhistory.unr.edu/>.

For more information on the UNOHP or any of its publications, please contact the University of Nevada Oral History Program at Mail Stop 0324, University of Nevada, Reno, NV, 89557-0324 or by calling 775/784-6932.

Alicia Barber  
Director, UNOHP  
July 2012

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## ORIGINAL PREFACE

The University of Nevada Oral History Program (OHP) engages in systematic interviewing of persons who can provide firsthand descriptions of events, people and places that give history its substance. The products of this research are the tapes of the interviews and their transcriptions.

In themselves, oral history interviews are not history. However, they often contain valuable primary source material, as useful in the process of historiographical synthesization as the written sources to which historians have customarily turned. Verifying the accuracy of all of the statements made in the course of an interview would require more time and money than the OHP's operating budget permits. The program can vouch that the statements were made, but it cannot attest that they are free of error. Accordingly, oral histories should be read with the same prudence that the reader exercises when consulting government records, newspaper accounts, diaries and other sources of historical information.

It is the policy of the OHP to produce transcripts that are as close to verbatim as

possible, but some alteration of the text is generally both unavoidable and desirable. Then human speech is captured in print the result can be a morass of tangled syntax, false starts and incomplete sentences, sometimes verging on incoherency. The type font contains no symbols for the physical gestures and the diverse vocal modulations that are integral parts of communication through speech. Experience shows that totally verbatim transcripts are often totally unreadable and therefore a total waste of the resources expended in their production. While keeping alterations to a minimum the OHP will, in preparing a text:

- a. generally delete false starts, redundancies and the uhs, ahs and other noises with which speech is often liberally sprinkled;

- b. occasionally compress language that would be confusing to the reader in unaltered form;

- c. rarely shift a portion of a transcript to place it in its proper context; and

- d. enclose in [brackets] explanatory information or words that were not uttered

but have been added to render the text intelligible.

There will be readers who prefer to take their oral history straight, without even the minimal editing that occurred in the production of this text; they are directed to the tape recording.

Copies of all or part of this work and the tape recording from which it is derived are available from:

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Mailstop 0324  
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## INTRODUCTION

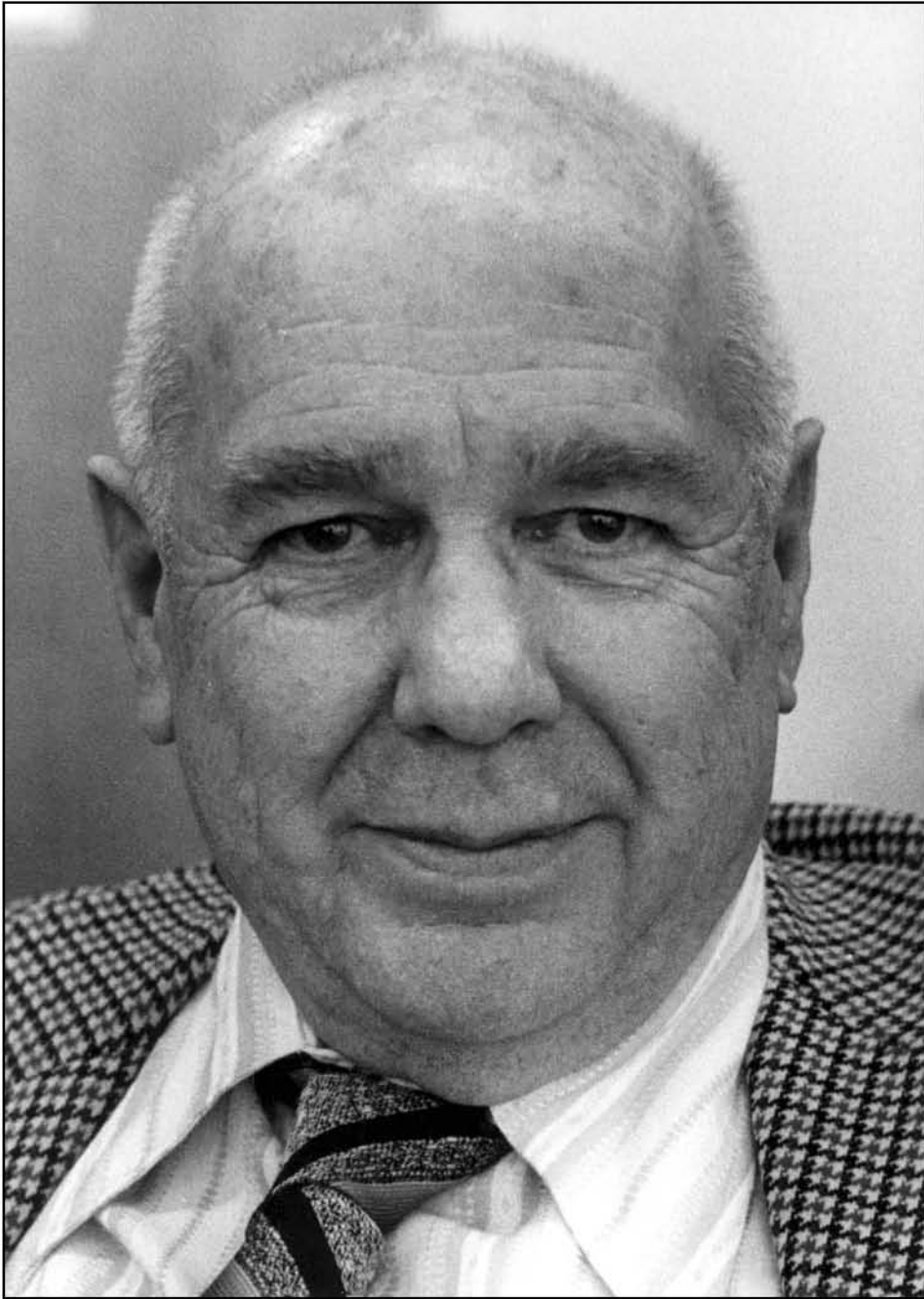
Water and water rights have been major determinant factors in the development of Nevada. In Carson Valley water rights have been indirectly a source of wealth and power as well as a cause of considerable friction among ranchers. Efforts to bring order to a potentially volatile situation resulted in a 1949 court decree placing the administration of water management in Carson Valley under a federally appointed water master.

Claude Dukes was the son of Nevada's first water master. He began working out of his father's office during the Depression, became assistant water master in 1946, and served as water master for the Truckee and Carson Rivers from 1959 until his death on 9 September 1984. In this June 1984 interview Mr. Dukes recalled the events leading up to and culminating in the 1949 decision in *United States V. Alpine Land and Reservoir Company*, the most important water rights case in Carson Valley. He drew upon personal memory, familiarity with documents and information passed on from his father and colleagues to concisely describe the

development of water rights theory in the valley over time. Mr. Dukes suggested that in the end neither statute nor questions of equity determined how rights would be codified: the 1949 court decree simply institutionalized customs that had evolved during almost a century of use.

In addition to discussing water in Carson Valley, Mr. Dukes gave some attention to the nature of the water master's job in general. Through an abbreviated account of his father's experience in the position combined with reflections on his own career, Mr. Dukes provided an informative description of an office that is widely known in Nevada, but little understood. Given the power of his office, it was unavoidable that some controversy should attach to Mr. Dukes; that so little did is a tribute both to his expertise and to a lifelong commitment to fairness.





CLAUDE DUKES  
1984





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## AN INTERVIEW WITH CLAUDE DUKES

*R.T. King: How does one become water master?*

Claude Dukes: Appointment is by the judges in the particular cases that are involved. I'm a special master in the federal court, and I hold 2 jobs—water master on the Truckee and on the Carson as well. My appointments came from 2 different judges of different political persuasions, of which I'm rather proud because a lot of people think a job like this is patronage. It was not, not as far as I'm concerned.

I'm just a special master, but the title that is used is water master. It's similar to a master that is appointed by the court to take testimony, for instance, in a particularly lengthy and time consuming case. I don't have a direct tie to the United States government, except I am an officer of the court. The court annually directs the litigants in the lawsuits (in this case I happen to be the one for each litigant) to meet my expenses as water master. I go out and collect the monies and then I spend them; and then at the end of the year I come back to the court and say I need

more and here's what I did with it last year. That always surprises people. They seem to think...well, I'm Department of Justice or I'm department here or department there or something like that, but it's not so. I'm sort of a lefthanded relative, actually.

*It sounds as if you are something of an independent operator as well.*

Oh, believe me!

*The primary subject of our discussion today is going to be water rights and water usage in the Carson Valley over a lengthy period of time. But before we get around to that, I'd like to learn a few things about you personally.*

I was born on March 3, 1914 at Wilson, Nevada. That's in Lyon County at the south end of Mason Valley. Strangely enough, I was born in the same room my mother was born in. My great-grandmother was the first white woman settler in Mason Valley.

*Your father, I understand, was a water master as well. Was he water master at the time of your birth?*

No. My father had a varied history. He was a graduate of Cooper Medical College in San Francisco, which later became Stanford School of Medicine. He was an MD. In an excess of zeal I guess, he volunteered for the army in the Spanish-American War. They sent him to the Philippines. when he came back he had a number of tropical diseases that were pretty hard to get rid of. So his father, who was also an MD, and his older brother, who was an MD, suggested that he go up to the dry climate in Nevada to see if he could bake it out in the sun.

He landed up here and went to work as an assayer at the town of Midas, north of Winnemucca, which had a mine. I think it was a silver mine; maybe it was copper. I don't know how long he worked up there, but somehow or other he ended up at Ludwig, which is in Smith Valley only a few miles from my birthplace, at a copper mine with the same type of job. [He] met my mother there and eventually married her. For the first year or 2 of their marriage they lived up at Ludwig, but Ludwig fell on hard times around 1913, someplace in there, so they moved back to the Wilson ranch in Mason Valley.

He decided he was going to be a rancher—not a farmer, it was a ranch. This was a large cattle spread; probably not in a class with the Dangbergs or the Dresslers, but it was large enough. But it didn't work out.

About 1918, as I recall the dates (it might have been a little later) a number of the larger ranchers in that area got together and formed the Walker River Irrigation District, and he went to work as their first secretary. He was very good at that. Working out of the Walker River Irrigation District included finalizing

a decree on the Walker River in the federal court. It also entailed legislation at the federal level, and he was instrumental in all of these things. When this first job as water master on the Truckee River came up, he applied for it and got it. That was in 1926, and he was water master from 1926 to 1946 when he died.

*He was water master during most of your formative years, then?*

That's right.

*One would imagine that you were influenced by that to go ahead and try to become water master yourself.*

Oh, I was. I was of an age in 1930, which was the first real bad year in the Great Depression, so that I could do a lot of the work that was involved in the office at that time. It was a small office. As I recall it he had 3 field men and one office man to begin with. The Depression hit. People just didn't have any money. I think it's kind of hard for younger people today to imagine what it was like in the 1930s. But people didn't have much money. Of course, we were reluctant to order much money to be spent on the job of being water master, so we cut way back.

My father had 2 sons. I was the oldest. He pressed the 2 sons into service. Sometimes I used to think it was servitude, but it was service. We learned the job from the ground up—I guess from the water up, you might say. I started at the University [of Nevada] in the fall of 1931, and for the next 4 years I learned water mastering. Now I'd had a lot of experience with it before that. I couldn't avoid it. He used to take us in the field with him and things like that, or even take us into the office. If we were old enough to figure  $2 + 2 = 4$ , we were old enough to do some of the office

work. So I learned the job very thoroughly in those 6 to 8 years, something like that.

*But you were majoring in English at the university?*

Oh, yes. When I went to the university I had other ideas. In those days a university experience was not a job training school. There was no such thing as a business school or things like that. A rounded education was very much prized by a lot of people, including my mother. My mother was really a fanatic about that.

I had, I guess, 3 options open to me at the time. I could go for the engineering school, which my father heartily approved of. That was the only school that might be called a job training school up there [at the University of Nevada] at that time. Well, there was an education department, but those were the only 2. And I could have taken the premed course, which my father wasn't too much in favor of. He had never really liked the medical end of it. I guess he was glad enough to get out of it when he got out of it. His older brother was also my favorite uncle and his older brother was a surgeon in the Bay Area, a quite noted surgeon as a matter of fact, and he pressed me to go to medical school. But I think I had some of my father in me there. Just the idea of blood and such, or illness, whatever you want to call it, did not appeal to me.

I had always been a great one for reading, and people interested me. They interested me then; they interest me now. So about the end of my freshman year, I decided this is the way I'm going to go. I'm going to be a writer, which I never turned out to be. Walter Clark graduated [I think] the year I went up there, but he had 2 sisters, one of whom was in my class, and he influenced me to some extent.

He was pretty rabid about this business of writing, even right out of college. Well, even before that. I knew him before I went up to the university.

Then there was a professor up there by the name of [Albert E.] Hill, who was head of the English department. He never got himself an advanced degree. He was, as he said, an AB out of Chicago. I never could understand what was the difference between a BA and an AB, but apparently if you were an AB in those days you were a little bit of a cut above everybody else. He was very enthusiastic and it infected me, I guess, so that's where I went into English.

Then, in order to have a proper background, I guess you might say, in English, instead of taking Latin like a lot of people did, I branched out and took French, Spanish and German. For some reason I figured that would give me a good basic something-or-other. Maybe it did. I don't know. When I went to war some years later it was ignored, but it could have been of use, I guess. So I got the Bachelor of Arts degree in English, minor in French and a minor in psychology, and that was the way it went.

*But you maintained an interest in the water master business throughout?*

Well, I wasn't very interested in it at that time. I just had to do it. But that's the story, I guess, quite often, of some people's life work. You didn't get into it because you wanted it. It was a result of a number of fortuitous circumstances. You may not have thought they were fortuitous at the time, but they worked out that way.

*Was anything of note [regarding water regulation] happening in the Carson valley during the period that you were, in a sense, serving an apprenticeship?*

Of course, my father was the first water master, but he was not on the Carson River. On the Truckee, this was really the first attempt of a major nature to write a decree, a lawsuit in water, in the federal courts in Nevada. They had done it before on the Walker but it hadn't turned out quite the way it turned out on the Truckee. In 1926 when the special master rendered his report and recommended decree, Judge Farrington decided that there should be a trial period. He wrote a temporary restraining order incorporating Judge Talbot's findings, then instructed the water master he appointed to try to make the thing work and to come back some time later and make recommendations as to a final decree. Well, there were a lot of problems on the Truckee River at that time, and the recommendations and the final decree didn't come about until 1944.

In the meantime the United States had gone ahead and filed a lawsuit on the Carson in 1925, but they didn't make much progress. My father died in the summer of 1946, and the Carson River lawsuit hadn't really gotten to what we might call the trial stage at that point. Sure, the court had appointed a special master, an attorney here from Reno, and a special master had been taking testimony on his own, but there wasn't even much thought given at that time to when there would be a final decree and administering functions would be formulated and such, and a water master appointed.

So, I didn't get much experience with the Carson River directly at that time. Oh, we heard a lot about it. The people that my father did business with—Bureau of Reclamation people, the Truckee-Carson Irrigation District [TCID] people—were all involved in the Carson River, of course, and through them I heard a lot. But I really can't tell you a great deal that happened prior to about 1949.

*I do have one question about this that you might be able to answer based on what your father may have discussed with you. I am curious about why it was taking so long for anything to happen. It is difficult to tell from the testimony that I've seen. What do you think the reason was for the government moving so lethargically when it came to pushing forward this case [U.S. v. Alpine Land & Reservoir Company]?*

I think I can give a good answer to that. As I say, people that [my father] knew very well were involved in that—the attorneys, the people in the Bureau of Reclamation and people down in Fallon. Number one was that the problems on the Truckee seemed to be taking precedence at that time, and to gather evidence is not as easy as a lot of people might think. It meant interviewing hundreds of people, such as you are doing now. It meant on the part of the United States putting together a case, and it wasn't so easy to put together a case. They had to go in and determine the lands upon which water rights existed. They had to determine from their standpoint—and not the standpoint of the master, but from the standpoint of the mover or the plaintiff in the case—what the plaintiff thought the defendant's rights actually were.

I do know a little bit about this because I got involved peripherally for a while there about 1929, I think it was. One of the Bureau of Reclamation officials used rue in about the same capacity my father had used me, to help him out a little bit during the summer. I believe this is the summer of 1929; had to be.

*Who was the official?*

His name was Stan Marean; he's long since dead. I made some field trips with him. It was

more...well, one of these courtesy things. Old Stan was a polio victim. He didn't always get around as well as he might and he sometimes needed somebody to go with him. I would go on occasion when it was convenient to my family—not to me, but to my family. I do remember some of the trips that were made in which he interviewed people over in the Carson Valley, but to tell you in detail like...I couldn't even tell you the people we saw. Now, that's a long time back. I do remember vaguely what happened, but as to the rest I'm telling you, I'm pretty sure of my facts here.

All of these things that were involved—the taking of evidence, the establishment by the United States of what they believed the facts to be—were expensive, time consuming. And, of course, the Depression hit just in the middle of it, and I don't believe they really got their act together. Now, I'm talking about the United States, not the courts. I don't believe that they got their act together until the mid or even the late 1930s. Then, when it appeared that they had something that they could really move on, along came World War II, and that really fouled things up in a big way. Again, unless you'd been through World War II, I don't think a lot of people could realize how disrupting it was. Everything was dropped in favor of the war effort, and I mean practically everything. So they really didn't get back to a great deal of negotiating—what they were trying to do was to negotiate a settlement rather than go to court—until after the war was over.

When the *United States v. Alpine Land & Reservoir Company* was filed in 1925, or shortly before or after, the state legislature had passed a law which forbade the state engineer to act on the Carson River. This was to clear the decks for the United States in the federal courts. But prior to that time state engineers had made efforts to adjudicate and allocate

the waters of the Carson River. There were 2 of them. The first one was the state engineer by the name of Chandler, way back in the teens. [He was] the first state engineer, as a matter of fact, unless I'm sadly mistaken. But anyway, he did come out with a little booklet popularly called the Chandler findings. Later on in the early 1920s another state engineer by the name of Bob Allen went in and attempted to redo the thing. That's when the legislature got busy and told him he couldn't act over that. But in the amassing of evidence and inquisition by the United States, the people who did it apparently did take into account both Chandler and Allen and used a lot of their material.

*The prosecuting attorney was George Springmeyer. Springmeyer was a member of a very prominent ranching family in the Carson Valley. From my reading of the situation, it appears that his family and the Dangberg family [major participants in the Alpine Land & Reservoir Company] had been at loggerheads for a very lengthy period of time, and not always over just water. What do you know about how he managed to become the United States prosecuting attorney in this particular case?*

Well, he wasn't strictly the prosecuting attorney; he was United States attorney for Nevada. In those days [it was], and I'm pretty sure today it's still, a political plum. George was very active in the Democratic party and I'm sure that's the way he got his appointment. He was a young attorney, and it seems that young attorneys are the ones that usually get the United States attorney job. It's just a reward or a plum or something for activity in the party that's in power. In those days there wasn't a great deal of work associated with the attorney job, and he may



not have even had an assistant to work with him. I just don't recall.

Now, I knew George. I knew him personally, and Bruce Thompson over here was his partner. Bruce would probably tell you a lot more about, or Judge Thompson, than I could about the Springmeyer involvement. I just didn't know George all that well.

*Was the question of conflict of interest ever raised?*

Well, there may have been conflict of interest, but the way it worked out....

I doubt that George had any help; if he did, it had to be minimal. So the United States attorney general appointed a special assistant attorney general or something like that, to actually do the spade work. As I recall it, Roy Stoddard, a local attorney here in Reno, was the man appointed to the job. I think Roy was the first and the one that carried it through until he died, and he died during the war years. I was gone at that time, so I don't recall his death. But Springmeyer, I think more or less just lent his name to a lot of it. He was the United States attorney, so he signed most of what happened.

I came back from the wars in the summer of 1946, just about the same time my father died. I was here about a month and he died. I was a professional pilot at that time. I'd flown for 5 years in the U.S. Army Air Corps and the U.S. Army Air Force, and I think I missed the air force as a separate entity. At the time I got out they hadn't quite integrated into a separate air force. So, I was a little bit interested at that time in becoming a professional pilot in civilian life. I had a 4-engine ticket, and I had instrument ratings and all that sort of thing.

But my father died. He had a long-time assistant by the name of Walter Bell, and the assistant had, in all the 20 years that

he had worked for my father, never done anything except fieldwork. He knew nothing whatsoever about any other facet of the office. He applied for my father's job and he approached me and said if he got it, would I be interested in taking over and running the office—portions that had to be run with the exception of fieldwork.

I hadn't received such a great reception as far as continuing my career as a professional pilot was concerned. I had become somewhat disenchanted after about 5 or 6 years of that sort of thing. Sometimes it gets to be just like any other job, you know. Especially if you're just flying a prescribed route, going there and coming back. That didn't have all the appeal that it could have had to me. So I thought about it. Mr. Bell, himself, pointed out the fact that he was 69 years old and he says, "I can't last too long." Well, it turned out he was actually 71 years old. We thought he was 69 at that time. He thought he was 69. And he wasn't in the best physical health, either.

I guess maybe I took all that into account, and I said, "Oh, maybe this is a good deal. Maybe this is a good chance," because a water master is a very independent sort. He does have to answer to the court, but if he's any good at his job at all, those who might challenge him find themselves in a very poor position. So as long as a water master does a good job, he doesn't have to worry too much. It's job security, I guess you might say.

I thought, "You know, this wouldn't be a bad deal; really it wouldn't." Even though I said I would handle everything but the fieldwork, it would give me a chance to be out in the field occasionally, which I enjoyed in those days. So we made a deal between us. He did get the appointment and I went to work with him, but the 2 years that both he and I thought would be the extent of the relationship turned out to be about 13. In

those 13 years, I learned a lot more. I thought I was pretty knowledgeable to begin with, but I learned a great deal more.

That was in June of 1946, and in late May or early June of 1949 problems erupted over on the Carson River between the Dangbergs on one hand [and] one particular farmer on the other hand [Herman Herbig]. There was an argument over one of the practices that had been established over the years as between the way the Dangberg interests took their water and the other users in the valley were allowed to get water. You have to understand that there was no formal or legal arrangement over there at that time. Whatever they did, they were doing on their own. The farmers on the east fork, most of whom were involved in the Alpine Land & Reservoir Company, hired a summertime water master (I guess you'd call him that; there's no other name that really fits) to distribute the stored waters and the natural flow waters in the east fork among themselves. His name was Pete Krummes.

*A member of that long-standing family in Gardnerville—the ones that used to own that blacksmith shop there?*

That's right. He was a blacksmith. Pete did a very good job, but apparently this was more than he could handle. Herbig took the Dangbergs to court—not in the federal courts, in the state courts...Douglas County. I do not recall the exact circumstances, but when it got down to determining if there would be a hearing somebody apparently suggested that in 1925 the United States had tiled in the federal courts and this properly belonged in the federal courts. So it was transferred over to the federal court, which at that time was in Carson City in the old post office building.

This is one of the pictures I'll have probably till the day I die: it was a nice June

day; I won't say something like today, because it was hot. It was in the second or third week of June that the hearing was held, and the courtroom over there was quite small. It was up on the third floor, top floor, and it's an ancient building. I think it's now the Nevada State Library. Great big high ceilings, quite warm so all of the windows were wide open. Of course, that didn't make too much difference if there wasn't any breeze, and I don't recall there being a breeze that day.

It wasn't a busy town like it is today, so it was relatively free from noise or anything like that from the outside. That courtroom was jammed. There wasn't enough room for all the spectators in the spectator section, so a lot of them were standing. There wasn't any room for them to sit, but they were standing within the bar, in the portion that's reserved for the attorneys and their clients. Now, it might be said that most of these people were clients. I don't know. I don't even know if most of these people were being represented at the time, but they were there, and it was a very noisy affair inside even if it wasn't noisy on the outside.

The judge was the elder Foley, who was from Las Vegas at that time, and he was a rather easygoing judge. I liked Judge Foley very much. He did not run a tight court that day. He just let everybody have their say. It wasn't a matter even of evidence being presented, as I recall it. It was more a discussion; it was something like you might call a town hall meeting. The upshot of it all was that if you sat back and the water master that the local interests had hired didn't have enough authority or clout to keep people in line, well, there's one way to get them in line—and that's activate the lawsuit, appoint a water master and then we'll have some sort of law and order over there. And they agreed to this.

Then there was a sticker: "What in the hell are we going to use for a decree? We

don't have anything written. Nobody's come up with anything." Well, it turned out that when the government filed their opening brief some years earlier they had filed with it an appendix which was the government's version of the water rights on the Carson River. They said, "Well, we'll use the Appendix 2 for a temporary restraining order, a temporary decree." So that was settled. Then the question came up of what good is a temporary restraining order, or temporary decree, if you don't have somebody to enforce it? Of course, the obvious answer was, "Right now, get a water master." So the upshot of it all was that they took the administrative provisions of the Truckee River decree, modified them for the circumstances over on the Carson and then tied Appendix 2 to it and made a decree out of it...and they appointed Mr. Bell water master.

They said, "Well, both rivers serve the TCID. The TCID is tied in strongly both ways. There should be one man directing both." So Mr. Dell took on the job, and of course it fell to my lot immediately to organize the whole thing. I spent the rest of the month of June and July and most of August, a good portion of practically every day, I guess (probably not every day, because I don't think I could have functioned on the Truckee if I'd done that) over in the courthouse in Carson City, sitting, trying to organize all of the facts that I could get together. I interviewed practically every user over there in that time, I think probably 3 days, at least, out of the week for several months. It was just one parade all day long.

Most of the physical records of the case had been stored in the basement of the post office. Now, the basement of the post office was really not a place you'd like to store records. It was open on several sides to bare earth, and in order to make room they just shoved a lot of the records up on the earth

embankments around the foundation. I took my wife with me and I might even have taken our oldest child, but I don't think so; I don't recall Judy. My wife and I organized those things, put them in files, got them all together, and interviewed in between times. I interviewed all of the users in order to see whether or not we had our facts straight in Appendix 2, even though they contested a lot of the provisions in Appendix 2, and we put it together.

Now, the original TRO [temporary restraining order] was only supposed to last for one season. But when spring of 1950 rolled around, people started to get antsy, and they prevailed on Mr. Bell to go back into court and tell the court that the conditions that had prevailed in 1949 were still there, and if the court moved out they'd be right back where they were to begin with a year before.

*What people were these who prevailed upon him to do it?*

Mainly people from Carson Valley; I suspect from both sides, both Dangberg and otherwise. It's one of the things I do not recollect very well as to the individuals involved, although I do recall 1 or 2. As a matter of fact, by that time George Springmeyer was no longer United States attorney, and he was one of the movers to make the finite temporary restraining order of 1949 an open-ended restraining order. In the spring of 1950 it *was* converted to an open-ended restraining order and things started to move a little bit after settling the lawsuit at that time. Efforts were made to try to get together and make it work, and this and that and the other thing. We functioned.

We functioned pretty well, as a matter of fact, considering the fact we had a decree that really wasn't too workable. what we did



was kind of got the people together and told them that we would continue the practices that had been used, oh, God only knows for how long—since the turn of the century, perhaps—until such time as the court chose to set up a final decree. And we did.

*We are now back to a subject that requires further discussion: that is the custom for allocating water that prevailed in 1949. You stated earlier (I am going to use your words) that “there was an argument over one of the practices that had been established over the years as between the way the Dangberg interests took their water and the other users in the valley were allowed to get water,” and that Mr. Herbig was a little bit distressed, at least in 1949, about this.*

Yes, he was unhappy about it. That's right.

*What made the way the Dangbergs got their water different from the way that the other people in the Carson Valley got theirs?*

First of all you have to understand the geography of the valley. When the Dangbergs came in the middle 1850s they took up the land that was most easily irrigated from the river. The Home Ranch was right down there where, as a matter of fact, it turned out in later years they didn't really need the water from the river. They could get it otherwise. There was subirrigation and all that sort of thing. But as the Dangberg properties grew with the prosperity of the Dangberg family, they expanded their holdings up into the flat which is north and east of Minden and Gardnerville—the Buckeye area. In order to get water to these areas they had to dig a long canal called the Allerman canal, and they constructed toward the end of the canal a number of reservoirs along the canal which

was to hold water for irrigation, and then release it when they needed it for irrigation and then refill it. I believe that the historical practice, once they dug the canal and did this, was about 3 refills a year if water was available to do this. It has not always been available to do it. But water rights in the western states are based upon the priority system—first in time first in right—and the Allerman canal was dug quite late in the priority schedule timetable.

*I can't recall the precise date, but I believe it's in the first decade of the twentieth century, isn't it?*

Well, some of it; not all of it, but some of it is. So apparently old John Dangberg got the bright idea—now, I'm just talking about what I've heard over the years, but it appears to be correct—got the bright idea he didn't need that water down on the Home Ranch. Why shouldn't he take it up and put it on the Buckeye, on the flats up there? So some sort of a deal was made between the Dangberg family and the Herbig's and Herbig's neighbors down there whereby when the flow of the Carson River at the power dam where the river comes into the valley, the east fork comes into the valley...when the flow of the Carson River at the power dam fell to 200 second feet, [if] it fell below that the Dangbergs would be allowed to take one third of the flow of the Carson River at that point through the Allerman canal, and two thirds would be allowed to go down to the other people. Now, this doesn't sound too bad when you talk about 200 feet, but in a year like 1949 where the east fork was probably flowing at that time at a rate of someplace between 50 and 100 second feet, that didn't leave much water. The one third, two third split. That's what we call it. One third to the Dangbergs, two thirds to the rest of the people.

*Was that custom merely a custom or was it legally established? Is there a signed contract anywhere or any sort of...?*

Well, I'm going to introduce another name in here, so maybe we'd better introduce him properly. One of the attorneys that represented the Dangbergs in 1949 was a man by the name of George Sanford. He had a son by the name of Graham Sanford. Graham had come back from the wars about the same time I had, and George by that time had somehow or another acquired quite an interest in the Dangberg Land and Livestock Company, which is not unusual for attorneys to do. George had installed Graham, I believe at that time, as manager of the Dangberg Land and Livestock Company. If he wasn't manager, he was in a very influential position in the company. Graham and I had spent, I guess, a semester together—something like that—up at the University of Nevada when I was a freshmen. He did know me vaguely, and I knew him, I think, even less than he knew me. But we did over the years develop a friendship of sorts. Every once in a while I'd ask Graham. I'd say, "How did this thing actually come about?" Well, he'd tell me much the same story I've told you. And I said, "Was there ever anything written down?"

"Oh yes, there's an agreement written down."

"Well, would you show it to me?"

"Well, it's in the files. I'm going to have to look for it." Well, that continued for how many years? Fifteen years, I guess, until Graham died one day. Graham never found the agreement. I don't believe it ever existed. I think it was a verbal thing.

*What did Herbig say about it?*

I've never talked to Herbig because the agreement was supposed to be in Graham's possession. [I] talked to Grace [Dangberg, John Dangberg's daughter] about it a couple of times, and Grace was not too helpful, really. I think it is spelled out in her book [*Conflict on the Carson*] to some extent, and that's about as much as I know from her standpoint. Herbig... well, I had the feeling then and I still believe that he didn't believe it was ever written down either, but I am not Herbig and I can't answer for him. And I don't recall what he said in court, but that was one of the customs.

*What happened in 1949? You said that he objected to the fact that they were drawing two thirds and they were....*

Well, as I understood it, he claimed that the Dangbergs were taking all the water.

*All of it? Not just...?*

He wasn't getting *any* of it. But again, that's quite a way back—35 years.

*But you recall the scene in court? You've already described it to me very vividly...*

Oh, boy!

*...when they had the discussion, the town meeting of a sort. Tell me what sort of support Herbig may have had for his position and what sort of support the Dangbergs may have had from other citizens of the Carson Valley.*

Well, the hearing evolved into something far greater than the squabble between the 2 of them. I don't know if there was too much support one way or the other brought out to begin with. As I say it was rather boisterous!

[laughs] And the issue came down to... well, there was no formal setup out there sanctioned by either state or by the courts. What was going on out there was just between individuals, and when they couldn't agree, there was no way out. There was nobody to say, "This is the way you'll do it." So then it became a discussion of whether or not a water master would be set up over and above the local custom, and whether or not there would be a document in the form of a temporary restraining order that the new water master could work with.

You see, it went far beyond just the Carson Valley. It involved the east fork and west fork of the Carson River in California; it involved the reach of the Carson River from the Cradlebaugh Bridge to Lahonton Reservoir, and it involved the TCID. And so the big issue really wasn't what was happening in the limited area in Carson Valley, but the big issue was, "Are we going to get a final decree? If we are going to get a final decree, do we need to set up something now on an interim basis similar to what had been done over on the Truckee River earlier?"

There was a lot of argument about it. The local people were not too much in favor of that [in] many respects, but they weren't unanimous. Some of the people thought that was a great idea. The TCID was all for the solution that eventually evolved. As a matter of fact, they agreed upon the decree and they agreed upon the appointment of a water master and who he should be.

Then came the matter of who's going to pay for all this, and strangely enough the TCID offered to pay on the same basis that they pay on the Truckee River. They pay one third of the costs. And George Sanford got up and objected right now! No way was he going to allow TCID to pay one third. The

way he looked at it, we give them too much influence. so they finally settled on a formula whereby TCID would pay one fifth the cost and the rest of the cost would be paid by the local people upstream—the defendants.

[There] is something rather peculiar, I guess you might say, about this matter of paying costs. Many of the people upstream appeared to be of the opinion at that time that the bigger the contribution they made in terms of dollars, the better deal they were going to get out of it. When I would interview these people, I'd say, "Here's what the Appendix 2 says your rights are. Do you agree with it?"

And quite often they'd say, "No, I have more land under cultivation than that."

Now, in some cases I knew damn good and well they *didn't* have because I had been over there with Stan Marean in earlier years, and he was meticulous. If it was irrigated he gave it its due; if it wasn't irrigated, it was out. But they were willing to pay for land that they did not irrigate just so they could claim it.

And it wasn't until many years later that they started to look at the cost and then started to complain sometimes that, "Well, we don't have that much land under cultivation, you know." Of course, younger people came in and older people died out or retired, I guess you might say, and the viewpoint changed.

*In the period leading up to 1949, it appears that whatever system prevailed, it was working, at least up to the point that....*

It was working. Now, that wasn't the only system; that was just one of them. There were others. Old Pete Krummes not only served as a water master, he actually distributed the water. Now, I do not attempt to distribute water.

*By distributing, you mean he would go around and open the gates?*

Open the gates and close them and all that.

*How would he measure the flow when he did that?*

Well, there were means of gears and things like that that could be used, but it wasn't so much the flow. The way the system had grown up [was] this way: before the water got short, you could take as much water as you wanted. The idea was to build up the groundwaters more than anything else. The more water you put on, the more water sank into the ground and became available to you later on, either through wells or just through a high water table. So Pete's system was, if you had 10 acres with an 1856 priority and that was the oldest priority in effect at the time, he'd give you the water for the 10 acres until it was irrigated. He was very good at this. He knew how much water it took to irrigate that 10 acres. The minute that he saw that field was wet, the water was turned off and went to the next fellow. so he really didn't have to measure. All he had to do was to be sure that each fellow took as much water as he needed for as long as he needed, but no longer.

*And could anybody else open the gates? Was it his responsibility solely to...?*

Well, according to his, I guess you'd call it "contract," with the people that he worked for it was his authority. But you see, it was only so good as their word, because I don't think he ever had a written contract in his life.

*How long did he do that? Over what period of years?*

I don't know when he started, but he continued to work for Mr. Bell for several years after he took over, 2 or 3. But I would say that he probably did this for a period of 10, maybe even 15 years—something like that. That's something I just can't tell you.

*Mr. Krummes obviously was working for the Alpine Land and Reservoir Company in 1949.*

He was not only working for the company, but he was working for every user that would agree to the setup, and there were a number of users that were not members of the Alpine Land and Reservoir Company.

*That means that the water would have been distributed to the users who belonged to the Alpine Land and Reservoir Company. How were the others arranging to get their equitable share, or any share...?*

Well, he worked it out. We still work it out today. He worked on one hand for the reservoir company and on the other hand he worked for the individuals who were getting water, whether or not they were members of the Alpine. Now, the reservoir company's members owned water on the basis of their stock in the company. And they got reservoir water when they needed it, late in the season, based upon requests or orders—whatever you want to call it—to Pete that "I want reservoir water. I want 10 acre feet," or what have you.

So Pete, working for the reservoir company, would go up, open up the gates in this particular reservoir, and he had it all figured out. He was good at this sort of thing; he had it all figured out. He had weirs and things up there. He'd bring the water down; he would route it around to the person who had ordered it and give it to him. But there was always a proviso: they got not one drop

of water after the need for it was satisfied. So the user usually was pretty damn good—if he needed 5 acre feet, he asked for 5 acre feet or a little bit less, because he would just be giving water to somebody else if he ordered 6.

*Was Mr. Krummes, then, working only on the east branch of the Carson?*

Most of the time. I don't even remember the names of the people that worked on the west [branch], although there were a number. Bill Schwake's father handled the west fork, as I recall it. I think Bill's around; you can ask him about that. And there were some other people whose names really escape me right now. After we came on we hired a fellow by the name of George Norris to handle the west fork. And he worked for a number of years, and then after George there was a whole succession of people that I can't recall.

*I'm trying to get a grasp of the concept underlying of all this. It appears that what you're telling me is that there's an informal association of water users in the valley that, with the exception of the Alpine Land and Reservoir company, is not really a formally organized group.*

It wasn't then and is still not now.

*We don't have anything on paper, and they have a custom for distributing water that dates back to the nineteenth century, but it, too, was not written down anywhere; it was just something that people had...?*

That's the way it was.. the way it evolved.

*...come to an understanding on?*

That's right.

*And there was a small number of men, then, such as Mr. Krummes, who were—again informally—allowed or hired, not only to regulate the water but also to actually physically irrigate some of the fields?*

Well, they turned the water on; it was up to the user to actually irrigate it. But Pete would drive around, check it a couple times a day if it was necessary, and when he saw the point where he figured that the field was wet, chopped it off if.

*Were all of the water users in the Carson Valley in agreement with this concept up until 1949? Obviously, there was a rupture in 1949.*

At one time or another I think all of them were. It was just like any other arrangement. There's nearly always somebody that's unhappy at any particular time, and there were. But I don't think any of them were unhappy enough to take action like Herbig did. No, to talk about unanimity, I don't think there was anything like that.

*No, there probably wouldn't have been. But at least a consensus?*

It was working; it worked. [A] working arrangement, I guess you'd call it.

*So it's in 1949 that there is finally a rupture that, in a sense, destroys this system based on custom and replaces it with one based on law.*

Well, it's the same system but they set it up under law after 1949.. or under the court, which had the force of law. There were several rotations on the west fork that had grown up about the same way.

*I'm not familiar with the term "rotation."*



One fellow would take all the water for a given period of time and then pass it on to the next. This was obviously to be used in the part of the year in which the water was short.

*Do you know which family had property on the west branch in the way that the Dangbergs did on the east?*

On the upper portion of the west fork where the river comes into the valley, of course, the Dresslers had, I guess you might even call it a stranglehold on the stream.

*In what way?*

Their property was on both sides of the stream; it was riparian right down to the stream itself. Many ditch systems began and ended on their property. It was not as large in extent as the Dangberg holdings, but it was plenty large. In our business there is an aphorism, I guess you'd call it, a nice little saying: "High-ority is better than priority any day." The first fellow on the stream... everybody else has to take you into account. That's all there is to it. Even though you may have a lot better right downstream than the fellow upstream, he gets first shot at it. So there were troubles up there between the Dresslers and the other users on the west fork.

The earliest priorities on the west fork were down around Genoa: 1852, as I recall it. And there's a lot of history on the west fork that I haven't even mentioned. Number one is that the Dresslers have land both in California and Nevada. Number two: way back around 1900, farmers in Nevada claimed that the farmers in California were taking all the west fork water. There was a drought that year. So they went into the federal court in California, not the one in Nevada. [They]

brought a lawsuit against the California users called the Anderson-Bassman suit, and the upshot was a decree that rotated the water between the users in California and Nevada. Dressier, with ownership in both states, came out smelling like a rose.

The rotation was beginning with the first Monday in June. If the water is short, Nevada users will use the water for one week, and the next week the California users will use the water for one week for the rest of the summer. And that was incorporated in the Anderson-Bassman decree.

Well, Dressler, as I say, had the best of both worlds there. He got the water both weeks. There was quite a bit of animosity generated by that. The Dresslers found various ways to soothe the local feelings downstream to some extent. Under some circumstances they would allow reservoir water from Mud Lake, for instance, to go downstream, and then they would take an equivalent amount out of the west fork.

I don't think Mud Lake was built by Dresslers. I think it was built by Springmeyer's father. The story was (and this is just a story) that old man Springmeyer and old man Bill Dressler got into a poker game that lasted all night, and when it ended up Mud Lake was Dressler's. It changed hands. I don't know how much truth is in that one, but that was the story.

*I know that in 1909 William Dressler did improve Mud Lake. He turned it into what it is today by coming in and building that huge berm across the front of it.*

Yes, and it makes a good story. If it's true, it's a *damn* good story.

*So they would occasionally open the gates and allow...?*

Well, in order to be able to take all the water out of the west fork—for whatever purposes they needed it on some occasions—they'd take water out of Mud Lake and pass it down to people who should be getting west fork water. That was one of the arrangements that was made. And another was. ...

*Well, water is just water. There shouldn't be any objections, should there?*

That's right. There shouldn't be, you wouldn't think.

Another was that on Nevada week, the people with the best priorities got the water, but on California week there was nearly always some return flow. So the people with the next best priorities would get the return flow as it went downstream. That was another custom.

There was another custom on the west fork, a minor one, but there was another rotation in there. Another custom, practice—the stream was broken down into segments, reaches. From Genoa Lane on down, in the latter part of the year the stream was treated as a new stream.

*What do you mean to treat it as a new stream?*

Well, there was no thought given to regulation above Genoa Lane to benefit the people below Genoa Lane. The same thing was true at the head of the Mexican ditch down in Carson City... "D" ditch, I guess it was. At Dayton there was another autonomous reach of the stream; it went that way right down the stream, the reason being that the Carson River, when it gets very low, becomes an intermittent stream. It'll dry up at certain points, and then a few hundred yards or a mile down the stream it will reappear, and you'll have dry river in between. It's a

subterranean flow, actually; it may only be a few inches below the surface, but it's there. That was another custom that was established, and we still follow it. It was actually set up in the decree that way.

*Did the court set about intentionally to institutionalize these customs when it issued its decree?*

Yes.

*There was no intent to improve upon them?*

No. I think that the court felt that it was too disruptive to try to change things; that there had been rather good reason for what these people had done. It worked it out in a common sense manner. However, the court I do believe probably found it rather difficult sometimes to reconcile some of the things they came up with the law.

*Could you give me an example?*

For the Truckee River, for instance, we have what is common in all the western states—a duty. That's the amount of water that land is allowed in a season. Most commonly it's 4½ acre feet per acre, per season. Some places it's as high as 5; some places it's much lower. It was a common practice under Nevada law for a long time to use the figure 5 indiscriminately, just across the board—wherever you happened to be, whether you were up at Elko or down here. But the court was pretty much convinced by the evidence that was presented—and I'll admit, I was one of those who gave evidence—that you had to pretty much tailor the duty to the area on the Carson River, because the lands are very much different in their ability to use the water.

On the other hand, because a water right is a property right that can be bought and sold, to give a piece of land a duty, for instance, of 7 acre feet per acre, and then allow that man to take it and sell it to somebody who wants to use it on a piece of land on which he only needs about 4 acre feet per acre, would be all out of reason. It would not be equitable. So the court did a strange thing I've never seen in any other decree: the court gave them the various duties, ranging I think from a high of about 7½ down to a low of about 3½ acre feet per acre, but said that if the water rights are sold and transferred someplace else, that the value of the water right will only be the value of the consumptive use of the water. Now, no matter what the cost in the way of water to put it on the property, crops will only use so much; the rest of it either returns to the stream or it goes into groundwater—both of which are part of the water environment, the environment that you need to grow crops. So the court said that when it is transferred the only amount of water that can be transferred is the amount that the crop uses, and they set a figure on that. I think it's 2.58, or something like that, acre feet per acre, per season. And that's how they got around the vast discrepancies in duty.

It also did something that makes it rather difficult for me as an administrator—and again, it's different than what's done here or in most other places. The court said that it would only be necessary for me to come up with an average when I have to account for the use of the waters, rather than the actual amount given to any individual. And this is stretching, I believe, the law a little bit. But the court came up with it. It does seem to be a reasonable way to cut the knot.

*We will be doing a lengthy interview, I hope, in the future based on your experiences as water*

*master. But before we end this today, is there anything you care to add about the situation in the Carson Valley as it applies to water allocation and the use of water? I'm particularly interested in any economic or social changes that you may have observed occurring in the Carson Valley as a consequence of the 1949 court case. What has it done to or for the Carson Valley?*

We're still in a state of flux. [Perhaps 30] years ago Douglas County hired one of the first planners that we had around this country to come in and develop a master plan for the county. Of course, as these people do—and I'm included among them—one of the first things you do is you plan a public meeting where you can talk and have people talk to you. Ray Smith got up in this meeting, and I'll say this—he made a damn good presentation for what he had to work with at the time. (He was the planner.) When he got through, a man who was at least in his eighties, and if he wasn't a native he'd come there very early, got up. I can still hear him, because I was there. I can still halfway see him, too: he said, "Mr. Smith, that's very nice. You've really got a nice plan there. But, you know, we don't want anybody new in this valley except those who get born here." Now, that was the very general attitude 30 years ago, I guess you'd say. It carried over into the matters such as water rights and things like that.

Of course, as I say, we are in a state of flux; we've been in a state of flux most of the time that I've been involved here. Now they have a different attitude over there. They now have developed camps. There's the pro-growth and there is the status quo people. But even the status quo people, I'm not talking about people who have been born here, no. The status quo people may be people that just came last year, but they'd like to cut it off



after they got here. So we're seeing a tug-of-war now [over] water rights between the people who want to develop in different lines than agriculture. They want to change the way water is used, just like it's been changed over here in the Truckee Meadows. On the other hand, we still have more than just a few who would like to see it stay the way it is, *not* because this is a nice place to live but this is what they grew up with— it's the only thing they're familiar with. So maybe we have 3 groups over there now: they have the people who'd like it to keep what bucolic quality or whatever it is; the people who want to develop, and the people who want to keep what they grew up with. But that last group is losing out.

The first big defection, of course, was Dangberg Land and Livestock Company. Boom! That *really* threw the ink into the fan, definitely. Then Ruhenstroth, Heise... several other rather large land owners took portions of their holdings and sold them to developers. Up until just quite recently nobody gave much of a thought as to what was happening to the water rights. Nobody gave them much value, which they should have really—they should have. Look what's happened over here. And within the last year I have been receiving questions, inquiries: "What's this water worth?" Obviously, these people are beginning to see it as a source of increasing wealth.

As the old-timers are replaced by their sons and daughters who go to college and what have you, and are no longer entranced, I guess, by the quality of life that their fathers and mothers knew, there's more and more pressure being brought to progress—as they call it. It is changing the way they look upon water, the use of the water and the value of it. It's no longer so extremely valuable to everybody as a means of producing a crop

which produces income. Now they can look at the water and say, "This doesn't have to produce a crop any more; we can sell it. That's an income." And I suspect within 5 years, maybe even sooner than that, we will see all of the problems over there that we've seen here [in Truckee Meadows] for the past 15 to 20 years...there'll be pressure to sell the water for municipal and industrial use, urban use—whatever. And you can't take the water for those purposes and preserve the greenbelts; it has to go one place or the other, because there's just so much of it and no more.

*Now it looks as if the situation that those old customs were designed to take care of no longer exists down there.*

They're just gradually out the door.

*This probably brings us to a point where it would make sense to close the interview. Is there anything that you'd care to add before we turn off the recorder?*

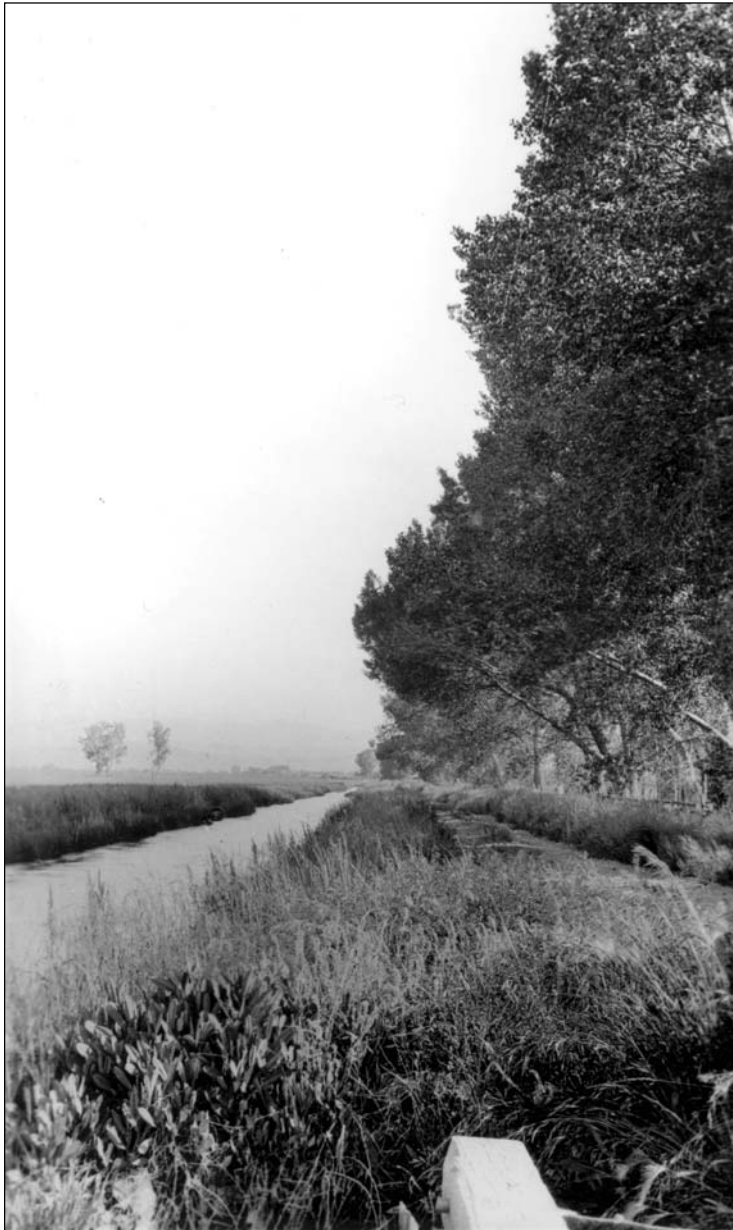
[laughter] At this moment, no. If in the future you want to do another one, fine.



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## PHOTOGRAPHS

*See next page.*



A stretch of the Carson River on Dangberg property, ca. 1920.  
Water rights and the careful management of water were  
central to the development of Carson Valley.

Photograph courtesy of Special Collections, University of  
Nevada, Reno Library: Achard-McDonald collection.

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